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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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EXAMINER

ALIE, GHASSEM

ART UNIT PAPER NUMBER

3724

DATE MAILED: 10/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/643,494

Applicant(s)

DANSREAU, PAUL R.

Examiner

Ghassem Alie

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on the filing date of the application.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 02/02/04
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "46" on page 5, paragraph 25. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 20 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding Claim 20, "distance varying from about a to about $\frac{1}{2}$ " is not clear. It is not clear what is the exact distance from the indentation to the front of the handle.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Wonderley (D467,387), hereinafter Wonderley 387, or Wonderley (Des.389,955), hereinafter Wonderley 955. Regarding claims 1 and 9, Wonderley 397 or Wonderley 955 teaches a shaver handle including an elongated rigid inner core extending along a longitudinal axis and an elongated compressible outer layer formed around the inner rigid core. The inner core is inherently rigid or relatively incompressible with respect to the outer layer which is compressible. Wonderley 397 or Wonderley 955 also teaches that the outer layer is provided with a series of spaced fins having a substantially uniform aspect ratio $D: T$, wherein D is a depth individual fin viewed in a direction transverse to the longitudinal thickness of the individual fin viewed in a direction parallel to the longitudinal axis. Wonderley 397 or Wonderley 955 also teaches that the aspect ratio being greater than the depth D of the individual fin. See Figs. 1-7 Wonderley 387 and Figs. 1-5 in Wonderley 955.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 4-10, and 13-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gray (Des. 397,830) in view of Perry (6,250,833). Regarding claims 1 and 9, Gray teaches a shaver handle including an elongated rigid inner core extending along a

longitudinal axis and an elongated outer layer formed around the inner rigid core. The inner core is inherently rigid or relatively incompressible with respect to the outer layer which is compressible. Gray also teaches that the outer layer is provided with a series of spaced fins having a substantially uniform aspect ratio $D: T$. See Figs. 1-7 in Gray. Gray does not expressly teach that outer layer is compressible and the aspect ratio being greater than the depth D of the individual fin. However, the use of a handle for a hand tool including a compressible outer layer and series of fin having uniform aspect ratio $D: T$, wherein the aspect ratio is greater than the depth D of the individual fin is well known in the art such as taught by Perry. Perry teach a hand tool 20 including a handle 30 having a compressible outer layer 35 and series of fin 38 having uniform aspect ratio $D: T$, wherein the aspect ratio is greater than the depth D of the individual fin 38. The compressible outer layer 38 covers the rigid inner core of the handle 30. See Figs. 1-5 and col. 3, lines 1-65 in Perry. It would have been obvious to a person of ordinary skill in the art to provide Grey's shaver handle with the fin arrangement as taught by Perry in order to facilitate the gripping of shaver handle.

Regarding claims 4, 5, 13, and 14, Gray as modified above teaches everything noted above including an axial spacing between the fins which appears to within a range of 0.6 to 0.8 millimeters. In addition, Official notice is taken that the axial spacing between the fin in the range of 0.6 to .8 millimeters are well known in the art such as is evident in Miller (5,027,511). See col. 2, lines 1-10 in Miller. Gray also teaches that fins cover 50 to 80% of the entire length of the shaver handle.

Regarding claims 6, 7, 15, 16, and 17, Grey teaches as modified by Perry teaches everything noted above including that the compressible outer layer has elongated continuous lateral segments and each of the segments having a respective series of fins extending laterally outward from the continuous lateral segment. Grey as modified by Perry also teaches that the depth of each fin progressively decreasing from a greater depth to a smaller depth as the fin extends inwards from the continuous outer segment, whereas the depth D is the greater depth of the fin. See Figs. 2 in Grey and Perry. Grey as modified by Perry also teaches an outer segment that bridges the lateral segments. The sleeve 35 has outer segment that bridges to lateral segment of the sleeve in Perry. Grey as modified by Perry also teaches that each of the fins 38 has a respective outer portion located adjacent to the continuous outer segment and having greater depth D. See Fig. 2 in Perry. Grey also teaches that the outer layer is made of an elastomeric material. The outer layer or sleeve 35 is made of a frictional cushioning material that has same characteristics of an elastomeric material. In addition the use of elastomeric material as an outer layer of a handle is well known in the art such as taught by the Decker et al. (5,097,566).

Regarding claims 8 and 18, Grey as modified by Perry teaches that outer portion of the fins 38 has a curved circumference 37 and the greater depth D being inherently defined as a radial distance between a tangent to the curved circumference and a center of the curved circumference lying on the respective lateral segment. See Fig. 2 in Perry.

Regarding claim 10, Grey as modified by Perry teaches everything noted above including that each of the fins 37 is shaped and dimensioned to have a greater depth and a smaller depth and depth D is the greater depth. See Fig. 2 in Perry.

Art Unit: 3724

8. Claims 2, 3, 11, and 12, are rejected under 35 U.S.C. 103(a) as being unpatentable over Gray in view of Perry, as applied above, and in further view of Bendickson et al. (4,825,552), hereinafter Bendickson. Regarding claims 2, 3, 11, and 12, Gray as modified above teaches everything noted above except that the aspect ratio is varies from about 1.2 to about 2 and 1.4 to about 1.6. However, Bendickson teaches that the aspect ratio D: T of fins 37 between the height of each fin 37 and the width of each rib is varied in the range of 1:1 to 1.75:1 or 1.3:1 to 1.5:1. See Col. 4, lines 34-56 in Bendickson. It would have been obvious to a person of ordinary skill in the art to provide Grey's shaver handle, as modified by Bendickson, with the aspect ratio as taught by Bendickson in order to enhance the gripping of the handle. In addition, it would have been obvious to one having ordinary skill in the art at the time the invention was made to select a desired range for aspect ratio of fins, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

9. Claims 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gray in view of Perry, as applied above, and in further view of Shurtleff et al. (5,687,485), hereinafter Shurtleff. Regarding claim 19, Grey as modified by Perry teaches everything noted above except that the incompressible core includes an inner portion and an outer portion provided with a pair of legs and the inner and outer portions having a common outer part in a direction transverse to the longitudinal axis and angularly outward from the inner recessed portion. However, the use of inner core having an inner portion and an outer portion with a pair of legs are well known in the art such as taught by Shurtleff et al. (5,687,485). Shurtleff teaches

a core portion including an inner portion 20 and an outer portion provided with a pair of legs 14, 16 and the inner and outer portions having a common outer part in a direction transverse to the longitudinal axis and angularly outward from the inner recessed portion. See Figs. 1-9 in Shurtleff. It would have been obvious to a person of ordinary skill in the art to provide Grey's shaver handle, as modified above, with the inner core structure as taught by Shurtleff in order to increase the flexibility of the handle.

10. Claims 20, as best understood, is rejected under 35 U.S.C. 103(a) as being unpatentable over Gray in view of Perry, as applied above, and in further view of Dansreau (D445,958) or Heinzelman et al. (5,398,369), hereinafter Heinzelman. Regarding claim 20, Grey as modified by Perry teaches everything noted above except that an indentation being spaced from the front end of the handle attached to the razor blade unit at a distance. However, the use of an indentation in the handle for gripping the handle are well known in the art such as taught by Dansreau or Heinzeelman. See Figs. 1 in Danstreu and Heinzenman. It would have been obvious to a person of ordinary skill in the art to provide Grey's shaver handle, as modified by Perry, with the indentation as taught by Danstreu or Heinzenman in order to provide the handle of the shaver with an additional gripping means.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kludjian et al. (6,493,950), Moller (5,027,511), Decker et al. (5,097,566), Zamansky et al. (6,663,309), Provost (D478,687), Burout, III (4,979,457), Chadwick et al. (6,652,941), Meessmann et al. (6,108,869), Motta et al. (Des. 305,265), Whitman (6,273,719), Heins

(6,019,534), Grey (Des. 425,251) teach a shaver handle including a compressible outer layer.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ghassem Alie whose telephone number is (703) 305-4981. The examiner can normally be reached on Mon-Fri 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on (703) 305-1082. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9302 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

GA/ga

October 22, 2003


Allan N. Shoap
Supervisory Patent Examiner
Group 3700